

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DATAMOTION TEXAS, LLC,

Plaintiff,

V.

COMERICA BANK, COMERICA  
INCORPORATED, et al.

AMERICAN HERITAGE LIFE  
INSURANCE COMPANY et al.

Defendants.

Civil Action No. 2:15-cv-00894-JRG  
**LEAD CASE**

## JURY TRIAL DEMANDED

Civil Action No. 2:15-cv-00890-JRG  
**Consolidated Case**

**PLAINTIFF DATAMOTION TEXAS, LLC'S ANSWER TO**  
**DEFENDANT AMERICAN HERITAGE LIFE INSURANCE CO.'S COUNTERCLAIMS**

Plaintiff/Counter-Defendant Datamotion Texas, LLC (“Datamotion”) files this Answer to the Counterclaims of Defendant American Heritage Life Insurance, Co. (“AHLI”) (Dkt. No. 13). Datamotion responds to the allegations in the Counterclaims by identically numbered paragraph as follows:

1. Admitted.
2. Admitted.
3. Admitted that this Court has jurisdiction over AHLI's purported counterclaims. Denied that AHLI is entitled to any declaratory relief. Denied as to the merits of AHLI's counterclaims.
4. Admitted.
5. Admitted.
6. Admitted that AHLI purports to assert that the '248 Patent is invalid and/or has not been infringed by AHLI. Denied that AHLI's assertions have any merit. Denied that AHLI is

entitled to any declaratory relief. Denied as to the merits of AHLI's counterclaims.

7. Admitted.

8. Datamotion incorporates here the foregoing paragraphs.

9. Admitted that an actual case or controversy exists. Denied that AHLI is entitled to any declaratory relief. Denied as to the merits of AHLI's counterclaims.

10. Denied.

11. Denied.

12. Datamotion incorporates here the foregoing paragraphs.

13. Admitted that an actual case or controversy exists. Denied that AHLI is entitled to any declaratory relief. Denied as to the merits of AHLI's counterclaims

14. Denied.

15. Denied.

16. To the extent necessary, Datamotion denies that Target is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, Datamotion generally denies any allegation in AHLI's counterclaims not specifically admitted above and Datamotion re-alleges infringement, validity and damages, and denies any allegations in AHLI's counterclaims adverse to same.

### **PRAYER FOR RELIEF**

WHEREFORE, Datamotion respectfully requests that this Court enter judgment denying and dismissing Target's counterclaims, and that the Court enter judgment in favor of Datamotion as requested in Datamotion's Complaint, including as amended or supplemented.

September 11, 2015

Respectfully submitted,

/s/ Stephen F. Schlather

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*Attorneys for Plaintiff*

*Datamotion Texas, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

September 11, 2015

/s/ Stephen F. Schlather

Stephen F. Schlather